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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 26 1993

**MEMORANDUM**

**SUBJECT:** Remediation of Historic Manufactured Gas Plant Sites

**FROM:** Sylvia K. Lowrance, Director /s/  
Office of Solid Waste

**TO:** Regional Waste Management Division Directors

Attached please find a document that describes a strategy for voluntary remediation of historic manufactured gas plant (MGP) sites. There are in excess of 1500 historic manufactured gas plant utilities. The utility industry is interested in initiating voluntary assessment and remediation of the sites. Last year, under the aegis of the Edison Electric Institute, the industry requested the Agency's assistance in clarifying the applicability of existing RCRA regulations to certain remediation activities and materials at these sites. At the direction of the Assistant Administrator, a group was established under the leadership of the Office of Solid Waste to work with Edison Electric Institute (EEI) to clarify the regulations and thereby facilitate early voluntary clean-up. The EPA working group included representatives from various Headquarters offices as well as Region VII, who has had extensive experience in addressing MGP sites.

The attached strategy document was developed by EEI for use by its member companies. Its purpose is to clarify the RCRA regulations and other requirements applicable to MGP sites. It has been reviewed and commented on by the EPA working group.

The strategy document consists of legal interpretations of EPA rules and regulations as well as technical and procedural guidance that either draws directly on published EPA guidance or constitutes EEI's best engineering or technical judgement based on their experience at MGP sites. OSW expects that the strategy would be implemented taking into account site-specific circumstances and that it would not necessarily be appropriate or practical at all sites. The strategy does not supersede existing regulations; it is not intended to be the presumptive remedy under CERCLA; nor can it serve as a shield against enforcement

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these sites that may exhibit the RCRA characteristics.

It is my view that the strategy described in the document can be implemented in a fashion that is consistent with existing federal RCRA regulations and, thus, protective of human health and the environment. I encourage Regions and States to work with site owners in implementing the strategy, thus promoting early and voluntary clean-up.

The remediation strategy is based on the fact that contaminated soils generated at these sites are capable of being burned with coal and other fuel in high efficiency utility boilers. Prior to the burning of these materials in utility boilers, remediation waste that exhibits a hazardous characteristic will be rendered non-hazardous before it leaves the generation site. This may be accomplished without the delays caused by RCRA permitting through the use of 90-day tanks, containers, or containment buildings covered by 40 CFR Section 262.34(a). Under federal regulations, waste may be treated in such units during the 90-day accumulation period without a permit, and if the waste thereafter no longer exhibits a hazardous characteristic, any further management of the waste, including the burning of such materials in utility boilers, no longer would be subject to Subtitle C of RCRA.

Contaminated soils addressed in this strategy are those that are former Bevill wastes and are hazardous under the characteristics. Land disposal restrictions do not currently apply to these wastes and therefore LDR compliance should not be an issue at this time. However, it should be noted that LDRs will be promulgated in the future. The recent "Third Third" court decision, however, may have an impact on the approach discussed in the strategy sometime in the future. In the development of strategies to conduct remediation activities, it would be appropriate to consider treatment in anticipation of future LDR requirements. I will keep the Regions informed as to the effects of this decision on all aspects of our program.

Throughout the document, reference is made to consultation with and obtaining approvals from appropriate governmental authorities. The assumption underlying the document is that the remediation activities are not being carried out under the Federal Corrective Action or Superfund program but that they are being voluntarily conducted with appropriate state and/or local oversight. The document is not intended to provide detailed procedural guidance on obtaining governmental approvals. And, as always, state requirements can be more stringent than their federal counterpart.

I view the attached remediation strategy as another step in the direction of achieving more risk-oriented and effective application of RCRA regulations to environmental clean-up

activities. As the Regional Offices gain experience working with these sites, I would appreciate hearing from you if the recommended strategy is helpful in expediting clean-up and if you encounter any problems that further or more specific guidance would alleviate.

If you have any questions about this strategy document, please call Ed Abrams, Chief, Listing Section at 202-260-4770, or David Bussard, Director, of the Characterization and Assessment Division at 202-260-4637.

Attachment

cc: OSW Division Directors  
MGP Workgroup